

DEPARTMENT OF TRANSPORTATION

Research and Special Programs
Administration

40 CFR Parts 171,172,173,174, and 176

[Docket No. HM-214; Notice No. 93-9]

RIN 2137-AC31

Oil Spill Prevention and Response Plans; Request for Comments and Notice of Public Hearing

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Interim final rule; reopening of comment period and notice of public hearing.

SUMMARY: RSPA published an interim final rule to address oil spill prevention and response plans in the *Federal Register* on February 2, 1993 (58FR 6864). This document responds to requests for an extension of the comment period and a public hearing. In light of petitions and comments received, RSPA is reopening the comment period and announcing a public hearing to gain more detailed information on the interim final rule.

DATES: *Written comments.* The date for receiving written comments is extended from April 5, 1993, to June 3, 1993.

Public Hearing. The public bearing will be held from 9 30 a.m. to 5 p.m. on May 13, 1993, in Washington, DC.

ADDRESSES: *Written* comments. Address comments **to the Dockets Unit (DHM-30), Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590-0001.** Comments should identify the docket end notice number and be submitted in **five** copies. Persons wishing to receive confirmation of receipt of their comments **should** include a self-addressed stamped post card. The Docket Unit is located in **Room 8421 of the Nassif Building, 400 Seventh Street, SW., Washington, DC.** Public Docket may be reviewed **between the hours of 8:30 a.m. and 5 p.m., Monday through Friday.**

Public Hearing. The public hearing will be held at the Federal Aviation Administration's Auditorium, 3d Floor, 800 Independence Avenue, SW, Washington, DC 20591.

Any person wishing to present an oral statement at the public hearing should notify Thomas A. Ian, by telephone or in writing, by May 7, 1993. Each request must identify the speaker; organization, represented, if any; daytime telephone number; and the anticipated length of the presentation, not to exceed 10

statement should be presented to the
b a i g f i r prior to the oral
p e e t a t o r The hearing may c o l
before 5 p.m. If all persons wishing to
t y t a t l l e i

FOR FURTHER INFO OF
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of Health & Medical Services
RSPA, 400 South
DC 20 98553, Washington.
(202) 366-

SUR 7 FR TION On
Feb 27 1990 FR pub h an
interim final rule in the Federal
Register (58 FR 6864) amending the
Hazardous Materials Regulations (H
M R 17 180) to di
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g silar t pu h
p pa o pl e f r e p t
discharges of oil. The rule also
in l ment ierents of the Federal
V Poll t c t ol A t, as
ded by the Oil Pollution Act of
1990 (OPA-90). 90 die bo
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adure for the d e of oil.
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require its in th HMR ar to dd
the OPA-9 manda e, RSPA amend
the HMR to include previously
unregulated oils
oils).

Several have agreed to discuss the final rule and revision of the comment period, and his notice responds to their requests. A particular concern in comments is the inclusion of petroleum oils, notably asphaltic oils with flash points below 200° F. as hazardous materials.

requirements of the rule have been misunderstood. The area of misunderstanding relates to transportation of oils which were previously unregulated. Those areas include: (1) General applicability of the rule to oil in bulk quantities; (2) placarding of transport vehicles; and (3) the need for a hazardous materials endorsement to a vehicle operator's commercial driver's license (CDL).

Paragraph (d) of § 173.155 (58 FR 6871) specifically excepts oil (other than hazardous wastes, hazardous substances, and marine pollutants) in non-bulk packagings from all requirements of the HMR. The term non-bulk packaging includes packagings

(119) The capacity of 450 liters or less as a rule for the oil contained in drums and other containers (not regulated as hazardous materials) is not classed as a material.

For domestic transport, excepts
paragraph (f)(9) of § 172 oil (Class 9)
bulk packagings contain no hazard warning placard RSPA
if the material is only on
bulk pack side at a
emergency response and
limited threat to health and property
as set by Class 9 oils.

Section 383.3 of the Illinois Motor Carrier Safety Regulations specifies requirements for a hazardous materials endorsement on a CDL. This requirement applies to operators of commercial motor vehicles which are required to be placarded for hazardous materials. As indicated above, the following vehicles containing oil (9) are exempt from placarding for petroleum products. The interstate and intrastate final rule has no new effect on the status of these vehicles.

Request for Comment

the preamble to the interim final rule
addresses the following
issues:

- **Feasibility and workability of the rule** (37 FR 181)
- **Whether any bulk packagings are used to transport oil in quantities exceeding 1,000 lbs** (58 FR 686)
- **Whether any other criteria should be used to determine which facilities should be required to file an extensive response plan** (58 FR 6868).
- **Effective date** (February 2, 1995) of **Federal preemptive effect of the rule** (58 FR 6869).
- **Estimated costs and benefits of the rule** (58 FR 6869).
- **Estimated burden hours and costs associated with the information collection requirements of the rule** (58 FR 6869).

Issued in Washington, DC, on April 15, 1993, under authority delegated in 49 CFR part 106, appendix A.
Alan I. Roberts,
Associate Administrator for Hazardous Materials Safety.
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